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PATENT  
686706-1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: POVOLNY et al.

Serial No.: 09/637,138

Filed: August 11, 2000

Title: INTERACTIVE PATIENT-PROVIDER  
DATA SYSTEM AND METHOD

Art Unit: 3626

Examiner: Alexander G. Kalinowski

DECLARATION OF FRITH MAIER IN RESPONSE TO REQUIREMENT FOR  
INFORMATION

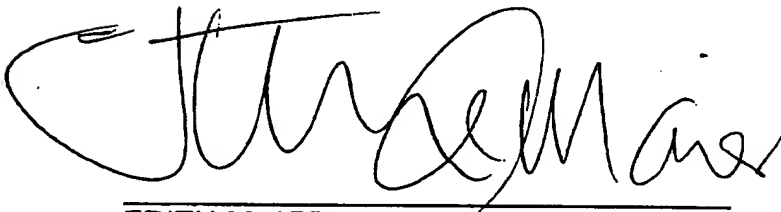
Mail Stop Non-Fee Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

1. I am one of the two inventors named in U.S. Application Serial No. 09/637,138. The other inventor for this application is Dr. Brian Povolny ("Dr. Povolny").
2. This declaration is submitted in response to a requirement for information concerning beta testing of the Ortho Sesame product, as requested by the Examiner in the Office Action dated July 19, 2004.
3. Beta testing of the Ortho Sesame product did not begin until October 1999. Beginning in October 1999 and continuing into November of 1999, Dr. Povolny and myself, acting through our jointly owned business named "Patient

- Interactive," engaged six individuals to conduct beta testing: Dr. Craig Williams, Dr. Curtis Sapp, Dr. John Murphy, Dr. Mark Johnston, Dr. Greg Valeriano, and Dr. Gary Jacobs.
4. All of the beta testing of the Ortho Sesame product was performed under strict conditions of confidentiality and non-disclosure, as required by written Beta Test Agreements between Patient Interactive and each of the respective doctors.
  5. Subsequent to the beta testing, Patient Interactive was incorporated and renamed PT Interactive, Inc. The present application was assigned to PT Interactive, Inc. by Dr. Brian Povolny and myself in January, 2001. Patient Interactive was at all times owned and controlled by myself and Dr. Brian Povolny, who jointly owned the present application until its assignment to PT Interactive, Inc. in 2001.
  6. Exhibit A attached hereto is a true and correct copy of the Beta Test Agreement with Dr. Craig Williams, dated October 14, 1999.
  7. Exhibit B attached hereto is a true and correct copy of the Beta Test Agreement with Dr. Curtis Sapp, dated November 1, 1999.
  8. Exhibit C attached hereto is a true and correct copy of the Beta Test Agreement with Dr. John Murphy, dated October 12, 1999.
  9. Exhibit D attached hereto is a true and correct copy of the Beta Test Agreement with Dr. Mark Johnston, dated October 12, 1999.
  10. Exhibit E attached hereto is a true and correct copy of the Beta Test Agreement with Dr. Greg Valeriano, dated October 15, 1999.

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September 17, 2004  
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11. Exhibit F attached hereto is a true and correct copy of the Beta Test Agreement with Dr. Gary Jacobs, dated October 12, 1999.
12. Based on information and belief, all of the above-identified individuals that received software for beta testing fully complied with the non-disclosure provisions of their respective Beta Test Agreements. None of the beta testers requested consent for disclosure of any Confidential Information under a Beta Test Agreement.
13. Based on information and belief, the invention disclosed in U.S. Application Serial No. 09/637,138, including but not limited to embodiments referred to as Ortho Sesame, was not patented or described in a printed publication in this or a foreign country or in public use or on sale in the United States more than one year prior to August 11, 2000.
14. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.



FRITH MAIER

9-17-04

Date